

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

|                                  |   |                           |
|----------------------------------|---|---------------------------|
| Charles Caesar,                  | ) | C/A No. 3:12-1287-JFA-PJG |
|                                  | ) |                           |
| Plaintiff,                       | ) |                           |
|                                  | ) |                           |
| vs.                              | ) | ORDER                     |
|                                  | ) |                           |
| Eddy Newman; Loraine Dennis; and | ) |                           |
| the County of Sumter,            | ) |                           |
|                                  | ) |                           |
| Defendants.                      | ) |                           |
| _____                            | ) |                           |

The plaintiff, Charles Caesar, brings this action against his former employer, Sumter County, and defendants Newman and Dennis, asserting claims of race discrimination pursuant to 42 U.S.C. §§ 1981 and 1983. The defendants have filed a motion to dismiss under Rule 12(b)(5) and (6) of the Federal Rules of Civil Procedure, to which the plaintiff has responded.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation and opines that the defendants' motion to dismiss should be granted. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on July 11, 2013. However, the plaintiff

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).


did not file objections and the time within which to do so has now expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

As the Magistrate Judge properly suggests, and this court agrees, defendants Newman and Caesar have not been properly served under Fed. R. Civ. P. 4(m) and thus they should be dismissed. With regard to defendant Sumter County, the Magistrate Judge opines that the plaintiff's claim should be dismissed as the complaint fails to state a plausible claim for relief against Sumter County under either § 1981 or § 1983.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporates it herein by reference. Accordingly, defendants' motion to dismiss (ECF No. 10) is granted and this action is dismissed without prejudice.

IT IS SO ORDERED.

August 16, 2013  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge